

Remarks

This Amendment is in response to the Office Action dated **June 18, 2008**, wherein the Office: objected to the specification, alleging informalities; and rejected claims 1 – 6 and 8 – 19 under 35 U.S.C. § 103(a).

Although Applicants believe that the claims as previously presented are non-obvious over the cited art, in order to further prosecution, Applicants have amended claims 1, 6, 11 – 13, and 18 – 19.

No new matter has been added.

The following comments are presented in the same order and with headings and paragraph numbers corresponding to those set forth in the Office Action.

Specification

1. The Office objected to the specification, alleging informalities. Applicants note, however, that a Preliminary Amendment was filed on January 6, 2006 wherein the current objection was rectified. Specifically, Applicants deleted the lines that the Office alleged contained informalities. Applicants further note that a number of other amendments were made to the specification in the Preliminary Amendment that do not appear in the printed publication (US 2006/0186233). Applicants respectfully request that the Office check whether the Preliminary Amendment was entered.

Claim Rejections—35 U.S.C. § 103

4. The Office rejected claims 1 – 6 and 8 – 19 under 35 U.S.C. § 103(a), alleging the same to be unpatentable over U.S. Patent No. 5,154,361 to Willoughby.

Willoughby fails to teach or suggest all the elements of amended claim 1. The method of amended claim 1 includes:

melting plastic chips together in a stirring machine;
spraying the melted plastic chips with cold water
periodically, thereby forming a plurality of bodies;
crushing and/or defibrating at least some of the plurality of
bodies in a disc refiner with water, thereby forming a first group of
particles and/or fibres from plastic;

mixing the first group of particles and/or fibres from plastic with a second group of fibres and/or particles to form a mixed material, the size of the particles or fibres of the first group approximately corresponding to the size of the particles or fibres of the second group;
adding a binder to the mixed material; and
pressing the binder and mixed material into a preformed part upon application of heat.

There is no teaching or suggestion in Willoughby of “melting plastic chips together in a stirring machine,” as recited in claim 1. There is also no teaching or suggestion in Willoughby of “spraying the melted plastic chips with cold water periodically, thereby forming a plurality of bodies,” as recited in claim 1. There is also no teaching or suggestion in Willoughby of “crushing and/or defibrating at least some of the plurality of bodies in a disc refiner with water, thereby forming a first group of particles and/or fibres from plastic,” as recited in claim 1. Nor would it have been obvious to a person of ordinary skill in the art to modify Willoughby to include the limitations recited in claim 1. To that end, claim 1 is non-obvious over Willoughby.

Claims 2 – 6 and 8 – 19 incorporate all the subject matter of claim 1 and add additional subject matter, making them patentable as well over Willoughby. Applicants request that the rejections be withdrawn and that claim 1 – 6 and 8 – 19 be allowed.

Conclusion

In light of the above, Applicants submit that the present application, with pending claims 1 – 6 and 8 – 19, is in condition for allowance. Favorable consideration and early action to that effect are solicited earnestly.

Should the Examiner have any questions regarding the Amendment, the Examiner is invited to contact the Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: September 17, 2008

By: / James L. Shands /
James L. Shands
Registration No.: 54439

6640 Shady Oak Dr., Suite 400
Eden Prairie, MN 55344-7834
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

f:\wpwork\jls\13065us01_amd_20080703.doc